

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) 08CR888
)
)
ROD BLAGOJEVICH) Judge James B. Zagel
)

DEFENDANT ROD BLAGOJEVICH'S MOTION
FOR ACCESS TO THE FBI 302 INTERVIEW SUMMARIES OF
PRESIDENT BARACK OBAMA

Now Comes Defendant Rod Blagojevich, by and through his counsel and hereby requests this court order the government to tender to the defense the FBI 302 interview summaries of President Barack Obama. In support of said motion, defendant states the following:

1. The defense has previously filed a Motion for the Trial Court to Issue a Subpoena to President Barack Obama. While the defense does not renew this motion at this time, the defense seeks access to the FBI's 302 interview summaries from the interview(s) it conducted with President Obama regarding this case.

2. As stated in the defense's prior motion, according to media reports, President Obama was interviewed by two United States attorneys and two FBI agents for two hours.¹

3. President Obama has stated publicly that he was "confident that no representatives of mine would have any part of any deals² related to this seat."³

4. The prosecutor in this case indicated "there's no allegation that the president-elect – there's no reference in the complaint to any conversations involving president-elect or indicating that the president-elect was aware of it."⁴

¹ "Barack Obama questioned by FBI agents over Blagojevich Illinois senate seat scandal", Toby Harnden, *The Telegraph*, December 26, 2008.

² Deal is defined as a "transaction; bargain; contract; an arrangement for mutual advantage." *Merriam-Webster Online Dictionary*. A deal requires two willing participants.

³ President-elect Barack Obama press conference, December 11, 2008.

⁴ "Fitzgerald Press Conference on Blagojevich. Transcript." *Chicago Sun Times*, Lynn Sweet, December 9, 2008.

5. Testimony elicited by the government from John Harris and wiretaps played in court raise the issue of President Obama's direct knowledge and communication with emissaries and others regarding the appointment to his senate seat.

6. The government has elicited testimony that directly contradicts its previous position. The government asked its cooperating witness, John Harris, questions referencing "President Obama's preferences", what President Obama knew, and what President Obama directed others to do and say, etc.

7. John Harris testified for the government that it was his belief that messages were being communicated directly between President Obama and Balinoff (and perhaps others).

8. Testimony was also elicited by the government regarding alleged discussions between Emil Jones and Rod Blagojevich, and also Emil Jones and President Obama (and specifically that Emil Jones received a call from President Obama directing Jones to call the Ethics Bill).

9. In order to engage in meaningful and constitutionally-effective cross-examination of John Harris, the defense must be privy to the Obama 302s.

10. The defendant has a right to effective assistance of counsel and a right to confront the witnesses against him. The sealed release of the Obama 302's is necessary to preserve the rights of the defendant and the integrity of these proceedings.

WHEREFORE, defendant Rod Blagojevich respectfully requests this Honorable Court order the government turn over to the defense any and all reports generated during any and all interviews had with President Barack Obama.

Respectfully submitted,

/s/ Sam Adam

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